

CV-04-229

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REC'D - CLERK
CLERK OF DISTRICT COURT
CLERK, IDAHO

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

RECUPEROS, LLC, an Idaho
limited liability company,

Plaintiff,

v.

AMERICAN FOOD STORES,
LLC, a California limited liability
company,

Defendant.

Case No. CV-04-229-S-BLW

ORDER GRANTING MOTION TO
WITHDRAW AS ATTORNEY
AND ORDER RESETTING
TELEPHONE SCHEDULING
CONFERENCE

The Court has before it a Motion to Withdraw as Attorney for Defendant **American Food Stores, LLC**, filed by Mr. Curtis. Having examined the entire record concerning the Motion to Withdraw, including Mr. Curtis' Affidavit filed in support of the Motion, the Court concludes that an irreconcilable conflict exists between Mr. Curtis and **American Food Stores, LLC**, such that Mr. Curtis cannot continue to represent Defendant. In light of that conflict and the present posture of this case, the Court finds good cause to grant the Motion.

Order -- Page 1

Accordingly,

IT IS HEREBY ORDERED, that the Motion to Withdraw (Docket No. 32) be, and the same is hereby, GRANTED;

IT IS FURTHER ORDERED, that the withdrawing counsel, Mr. Curtis, shall continue to represent **American Food Stores, LLC**, pursuant to the Court's Local Rule 83.7(c)(1) until proof of service of this Order on **American Food Stores, LLC**, has been filed with the Court. The withdrawing attorney shall forthwith and with due diligence serve all other parties and either personally serve copies of the Order upon the Defendant or mail the Order by first class mail, return receipt requested.


IT IS FURTHER ORDERED that upon filing of proof of service on the Defendant, no further proceedings can be had in the action which will affect Defendant's rights for a period of twenty (20) days.

IT IS FURTHER ORDERED that **American Food Stores, LLC**, shall have twenty (20) days from the filing of the proof of service by the attorney to file written notice with the Court stating how it will be represented.

IT IS FURTHER ORDERED that, If **American Food Store, LLC**, fails to appear in this action within such (20) day period, this will be sufficient grounds for the entry of default against it without further notice.

Additionally, the Telephone Scheduling Conference currently set in this matter on Thursday, August 26, 2004 at 10:00 a.m. has been moved to **Wednesday, October 13, 2004 at 10:00 a.m.** with Plaintiff placing the call with all counsel on the line. The Litigation Plan shall be filed no later than October 3, 2004.

DATED this 23rd day of August, 2004.



B. LYNN WINMILL
Chief Judge, United States District Court

United States District Court
for the
District of Idaho
August 23, 2004

* * CLERK'S CERTIFICATE OF MAILING * *

Re: 1:04-cv-00229

I certify that I caused a copy of the attached document to be mailed or faxed to the following named persons:

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☒ Chief Judge B. Lynn Winmill
☐ Judge Edward J. Lodge
☐ Chief Magistrate Judge Larry M. Boyle
☐ Magistrate Judge Mikel H. Williams

Visiting Judges:
☐ Judge David O. Carter
☐ Judge John C. Coughenour
☐ Judge Thomas S. Zilly

Cameron S. Burke, Clerk

Date: 8-24-04

BY: 
(Deputy Clerk)